

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate
of Bernard L. Madoff,

Plaintiff,

v.

BANQUE INTERNATIONALE À LUXEMBOURG
S.A. (f/k/a Dexia Banque Internationale à
Luxembourg S.A.); RBC INVESTOR SERVICES
BANK S.A. (f/k/a RBC Dexia Investor Services Bank
S.A.); RBC INVESTOR SERVICES TRUST (f/k/a
RBC Dexia Investor Services Trust); BANCO
INVERSIS, S.A., as successor in interest to RBC
Dexia Investor Services España S.A.; and BANQUE
INTERNATIONALE À LUXEMBOURG (SUISSE)
S.A. (f/k/a Dexia Private Bank (Switzerland) Ltd.),

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01698 (CGM)

ORDER DENYING RBC DEFENDANTS' MOTION TO DISMISS

Defendants RBC Investor Services Bank S.A. (f/k/a RBC Dexia Investor Services Bank
S.A.), RBC Investor Services Trust (f/k/a RBC Dexia Investor Services Trust), and Banco
Inversis, S.A. (as successor in interest to RBC Dexia Investor Services España S.A.)
(collectively, the "RBC Defendants") filed a motion to dismiss the Amended Complaint under

Federal Rules of Civil Procedure 8(a), 10(c), 12(b)(2), and 12(b)(6) (the “Motion”) on September 2, 2022 (ECF No. 136). The parties stipulated to rest on their papers and waive oral argument on the Motion on January 9, 2023 (ECF No. 163). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint. The Court entered a memorandum decision, dated March 14, 2023, regarding the Motion (the “Decision”) (ECF No. 173). Based on the record in this adversary proceeding, including the Decision, **IT IS**

ORDERED:

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for the RBC Defendants to file an answer to the Complaint is May 15, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: March 20, 2023
Poughkeepsie, New York**

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/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**